

**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF NEW YORK**

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ASMAA ALQAISSE, HAIMAN BAKIR
SUDKI ABDULHAMEED AND IMAN
HAIMAN BAKIR SUDKI

Petitioners,

Case No. 17-cv-00487

v.

DECISION AND ORDER

DONALD TRUMP, President of the United States; U.S. DEPARTMENT OF HOMELAND SECURITY (“DHS”); U.S. CUSTOMS AND BORDER PROTECTION (“CBP”); JOHN KELLY, Secretary of DHS; KEVIN K. MCALEENAN, Acting Commissioner of CBP; and JAMES T. MADDEN, New York Field Director, CBP,

Date: January 29, 2017

Respondents.

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_____, District Judge.

On January 28, 2017, the petitioners filed an Emergency Preliminary Injunction and Temporary Restraining Order.

IT APPEARING to the Court from the Emergency Motion for Stay of Removal, the other submissions, the arguments of counsel, and a hearing held on _____, 2017

1. The Petitioners have a strong likelihood of success in establishing that the removal of the petitioners violates their rights to Due Process and Equal Protection guaranteed by the United States Constitution;

2. There is imminent danger that, absent the stay of removal, there will be substantial and irreparable injury to petitioners, who are Iraqi nationals, a nation subject to the January 27, 2017 Executive Order;
3. The issuance of an Emergency Preliminary Injunction and Temporary Restraining Order for the stay of removal of petitioners will not injure the other parties interested in the proceeding;
4. It is appropriate and just that, pending completion of a hearing before the Court on the merits of the Petition, that the Respondents be enjoined and restrained from the commission of further acts and misconduct in violation of the Constitution as described in the Emergency Motion for a Preliminary Injunction and Temporary Order of Protection

WHEREFORE, IT IS HEREBY ORDERED that the Respondents, their officers, agents, servants, employees, attorneys, and all members and person acting in concert or participation with them, from the date of this Order, are

ENJOINED AND RESTRAINED from, in any manner or by any means, removing Petitioners from the United States;

IT IS FURTHER ORDERED that Respondents are directed to permit Petitioners to meet and confer with counsel and to also have counsel present during any questioning of Petitioner by the Respondents, their officers, agents, servants, employees, attorneys, and all members and person acting in concert or participation with them;

IT IS FURTHER ORDERED that to assure compliance with the Court's order, the Court directs service of this Order upon the United States Marshal for the Eastern District of New York,

and further directs the United States Marshal for the Eastern District of New York, and further directs the United States Marshals Service to take those actions deemed necessary to enforced the provisions and prohibitions set forth in this Order.

SO ORDERED.

United States District Judge

Dated: Brooklyn, New York
_____, 2017